

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOTICE OF MOTION FOR AN ORDER ENFORCING ARBITRAL SUBPOENAE

PLEASE TAKE NOTICE that, upon the Declaration of John Wyeth Griggs dated May 21, 2018, the exhibits thereto, and the Memorandum of Law in Support of the Motion to Enforce Arbitral Subpoenae, the undersigned counsel shall move this Court before Hon. Robert W. Lehrburger, Magistrate Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 18D, New York, New York 10007, at a time and date to be set by the Court, for an Order pursuant to Rule 45(g), Fed.R.Civ.P., and 9 U.S.C. § 7, enforcing two *subpoenae duces tecum* that were issued by the arbitrators in the pending arbitration, *Emil Shasha, Trustee, et al. v. Peter L. Malkin, et al.*, AAA No. 01-14-0001-6986. The arbitral subpoenas were issued to two non-party witnesses, Christopher Gregory and Martin B. Cowan, who have failed to agree to appear to testify at the hearing.

Dated: May 21, 2018

GRIGGS & ADLER, P.C.
By: /s/ John W. Griggs
12020 Sunrise Valley Drive, Ste. 100
Reston, VA 20191
(703)716-2863; Fax (703)716-2865
griggsandadler@comcast.net
Pro Hac Vice Attorneys for Plaintiffs

Peter M. Levine
444 Madison Avenue, Suite 410
New York, NY 10022
Tel: (212) 599-0009
chief@pmlevinlaw.com
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have, this 21st day of May, 2018, served a copy of the foregoing Notice of Motion by email and/or U.S. Mail, postage prepaid, on counsel for defendants addressed to: David S. Pegno, Esq. and Thomas E. L. Dewey, Esq., Dewey, Pegno & Kramarsky, 777 Third Avenue, 37th Floor, New York, NY 10017, dpegno@dpklaw.com; on counsel for Mr. Gregory addressed to Matthew Stark, Esq., Winston & Strawn, 200 Park Avenue, New York, NY 10166, mstark@winston.com; on counsel for Martin B. Cowan addressed to Stanley Bernstein, Esq., bernstein@bernlieb.com; and on counsel for Alan D. Gordon addressed to Edward C. Kramer, Esq., 271 Madison Avenue, 12th Floor, New York, NY 10016, eck@lawkram.com.

/s/ John Wyeth Griggs

John Wyeth Griggs